

**SUBJECT:** Reestablishing the HIV Medication Program Advisory Committee

**COMMITTEE:** Human Services — committee substitute recommended

**VOTE:** 8 ayes — Raymond, Morrison, Gonzalez, Hopson, Hughes, Hunter, Laubenberg, Naishtat

1 nay — V. Taylor

**WITNESSES:** For — Randall Ellis, Legacy Community Health Services; Skip Rosenthal, International AIDS Empowerment; Terry Hobbs; (*Registered, but did not testify*: Troy Alexander, Texas Medical Association; Lucinda Saxon)

Against — None

On — Janna Zumbrun, Department of State Health Services

**BACKGROUND:** Health and Safety Code, sec. 85.066 allows the Health and Human Services Commission (HHSC) to appoint the HIV Medication Program Advisory Committee. If appointed, the committee helps Texas hospitals, clinics, and health organizations set up procedures and guidelines for the HIV medication program.

The committee's rules and procedures also are governed by the Texas Administrative Code under 25 T.A.C., part 1, ch. 98, subch. C, sec. 98.121. It stipulates that if the committee was not strictly continued or consolidated by March 1, 2008, it was to be abolished on that date.

**DIGEST:** CSHB 2229 would repeal Health and Safety Code, sec. 85.066 and require the executive commissioner of HHSC to establish the HIV Medication Program Advisory Committee. The committee would review the goals of the HIV medication program, recommend short- and long-term goals for medication needs, evaluate the program's efforts, and perform any other tasks assigned by the executive commissioner.

The committee would have 11 members, including four HIV patients currently on medication, three physicians actively treating adults with HIV, one physician actively treating infants and children with HIV, one hospital administrator dealing with HIV patients, one pharmacist

participating in the HIV medication program, and one social worker who works with HIV patients. Each member would serve at the will of the executive commissioner.

The executive commissioner would be required to appoint members of the committee as promptly as possible after the bill's effective date. The executive commissioner could, but would not be required to, appoint members who served on the previously established advisory committee.

The committee would choose a presiding and assistant presiding officer who would serve two-year terms beginning on March 1 of odd-numbered years. The committee would select these two officers at the first meeting after the effective date of the bill, and their terms would begin with that selection.

The committee would be required to submit an annual report that included actions taken by and accomplishments of the committee, the status of any recommended rules, and expected activity for the following year.

The presiding officer could appoint subcommittees as necessary to perform the duties of the committee and appoint the subcommittee chairs and members. A member of the subcommittee would not have to be a member of the full committee.

CShB 2229 would establish certain ethics standards for committee members, including certain prohibitions on financial benefit.

The committee would meet only as necessary to complete its tasks. Committee meetings would have to be announced and conducted in compliance with open meetings laws. Provisions allowing executive sessions would not apply to the committee. The bill also would set guidelines on attendance and meeting procedures.

CShB 2229 would outline certain reimbursement guidelines for expenses by members of the committee.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2011.

**SUPPORTERS  
SAY:**

The HIV Medication Program Advisory Committee is an invaluable resource to the executive commissioner of HHSC, HIV patients, and the health of Texans. Consisting of doctors, patients, an administrator, social worker, and pharmacist, the committee provides comprehensive recommendations on life-saving HIV medication needs. With the committee's help, the HIV medication program supplies 40 types of HIV medications to eligible patients throughout Texas.

Despite its continued necessity, a simple oversight allowed the committee to be inadvertently abolished under internal rules. CSHB 2229 would correct this mistake by reinstituting the committee.

**OPPONENTS  
SAY:**

Current law already allows for the establishment of the HIV Medication Program Advisory Committee. If HHSC wanted to reestablish the committee's active role, they could take the necessary steps to change their internal rules that abolished the committee. Requiring the committee's existence through statute is unnecessary.

**NOTES:**

The companion bill, SB 1821 by Ellis, was referred to the Senate Health and Human Services Committee on March 24.